

# ARKANSAS COURT OF APPEALS

DIVISION I

No. CA08-745

AMANDA HOLT,

APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES and MINOR  
CHILDREN,

APPELLEES

**Opinion Delivered** 12 NOVEMBER 2008

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
[NO. JJN-2006-1925]

THE HONORABLE WILEY A.  
BRANTON JR., JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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## D.P. MARSHALL JR., Judge

The circuit court terminated Amanda Holt's parental rights to her three children, J.H., M.H., and A.H. On appeal, Holt's lawyer has moved to withdraw and filed a no-merit brief pursuant to *Linker-Flores v. Ark. Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004) and our Rule 4-3(j)(1). The brief states that no adverse ruling other than the ultimate decision was made at the termination hearing and explains why no meritorious ground for reversal exists. We agree that Holt's appeal lacks merit.

In terminating Holt's parental rights, the circuit court found that all three children were adoptable and that it was contrary to their best interest to return them to Holt's custody. Ark. Code Ann. § 9-27-341(b)(3)(A) (Repl. 2008). The court also

found three statutory grounds for termination. Only one statutory ground is necessary to terminate parental rights. Ark. Code Ann. § 9-27-341(b)(3)(B). As one ground, the court found that these circumstances existed: the children had been adjudicated dependent-neglected; they had been out of Holt's custody for twelve months; and despite a meaningful effort by the department to rehabilitate Holt and to correct the conditions that caused removal, those conditions had not been remedied. Ark. Code Ann. § 9-27-341(b)(3)(B)(i)(a).

The evidence presented at the hearing supported this ground for termination. The court found the children dependent-neglected in November 2006. DHS removed the children from Holt's custody in September 2006. In a related criminal case, Holt was convicted of manufacturing methamphetamine, exposing her children to noxious chemicals, and possessing drug paraphernalia. The court sentenced her to fifty-one years' imprisonment. Holt has been incarcerated since June 2007. From September 2006 through the March 2008 termination hearing, the children remained out of Holt's custody. Holt partially complied with her case plan. But her partial compliance was insufficient, the court concluded, because she continued to make decisions adverse to her children. *Chase v. Ark. Dep't of Human Servs.*, 86 Ark. App. 237, 241, 184 S.W.3d 453, 455 (2004).

When DHS took Holt's children into emergency custody, they were removed from a filthy home where a methamphetamine lab was producing noxious fumes. The

children's hair-follicle tests confirmed their exposure to toxic substances. Items of drug paraphernalia were scattered throughout the house. There were no beds or running water. In violation of her case plan, Holt tested positive for methamphetamine in May 2007. Holt submitted other urine samples that, although negative, appeared to have been adulterated. She was employed only sporadically and lied about her employment to her caseworker. Holt also failed to obtain stable housing.

Holt filed a letter containing pro se points and makes five main arguments. None have merit. First, she argues that termination was not in the best interest of her children. But the circuit court found that Holt exposed her children to unhealthy living conditions and did not remedy the problems that led DHS to take her children. Second, Holt argues that she has taken many steps while in prison to improve her life. Even if Holt has taken positive and commendable steps to improve her life, this does not justify reversal. It is unclear exactly when she started improving her life, but even if she began before termination, “[i]mprovement and compliance toward the end of a case plan will not necessarily bar termination of parental rights.” *Meriweather v. Ark. Dep’t of Health & Human Servs.*, 98 Ark. App. 328, 333, 255 S.W.3d 505, 508 (2007). Third, she argues that she has an appeal pending in her criminal case and may be released from prison earlier than expected. Even if her criminal appeal succeeds, however, this development would not affect our analysis. DHS proved its case by clear and convincing evidence relying on a statutory ground unaffected by the length

of Holt's prison term. Fourth, she argues that, if termination of parental rights and adoption is necessary, then the arrangement should be open so she can still have contact with her children. The purpose served by terminating Holt's rights to her children was to provide permanency in the children's lives because returning them to her care was, the circuit court concluded, against their best interest. Ark. Code Ann. § 9-27-341(a)(3). Allowing Holt to have continued contact with the children would defeat this purpose. Fifth, she argues that her children should be placed with the family she designated. But the family with whom Holt wanted the children placed refused to cooperate with the department.

We see no clear error in the circuit court's decision to terminate Holt's parental rights based on her acts and omissions as a parent. *Yarborough v. Ark. Dep't of Human Servs.*, 96 Ark. App. 247, 253, 240 S.W.3d 626, 630 (2006). We grant counsel's motion to withdraw and affirm the termination order.

ROBBINS and VAUGHT, JJ., agree.